

REMARKS

Claims 1-20 are all the claims pending in the Application.

Interview Summary

On December 4, 2008, Christopher Pfister, # 63,213, on behalf of Applicant, held an interview with the Examiner on the present application. A Statement of Substance of Interview is attached.

Applicant thanks the Examiner for his time in conducting this interview.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5, and 7-20 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Pat. No. 4,913,305 to Hanafusa et al. (hereinafter "Hanafusa"). Applicant respectfully traverses.

In response to the arguments presented in the Amendment filed November 3, 2008, the Examiner asserts that "[t]he rivet 36 is centrally disposed on the horizontal axis of the can as shown in FIG. 1 and FIG. 5. The breakage segment therefore has a curvature center that coincides with rivet since the center is disposed on a central vertical axis that bisects the can in the middle, drawn from the top of the can through the rivet." See November 19, 2008 Advisory Action Continuation Sheet.

Applicant submits that the Examiner is mistaken about the definition of "curvature center," defining this term as a point that bisects the center of the curve itself. In contrast, in the present application it is defined as the center of the circle defined by the curve segment. See

FIG. 2 and page 3, lines 14-17 of the English translation of the specification. Also see claim 5, referring to the mid-point of the breakage segment as separate from the “curvature center.”

In the above-noted interview, the Examiner indicated that the language “coinciding with the rivet” is open to broad interpretation, and suggested that more clearly defining the location of the curvature center would distinguish the claimed invention from the cited art. The Examiner suggested amending claim 1 to recite that the rivet is the curvature center, in order to distinguish it claim 1 the cited art. Accordingly, by this Amendment Applicant adopts this language for claim 1, and makes an analogous amendment to claim 8.

Additionally, in the above-noted interview the Examiner asserted that the last 2 lines of claim 1 are unclear, and suggested amending them to read “after an accidental rotation of the ring tab on the breakage segment” to clarify the claim. By this Amendment, Applicant amends claim 1 to read “after an accidental rotation of the ring tab within the curve of the breakage segment,” and submits that claim 1 is sufficiently clear.

Regarding claim 19, in the above-noted interview, the Examiner indicated that Hanafusa does only includes the claimed “variation in curvature” following opening of the lid, when the cut line is first broken and the lid is being peeled away. The Examiner further indicated that amending claim 19 to recite variations in the curvature of the cut line “prior to opening” or “prior to operation of the ring tab” would distinguish the claim from the cited art. Accordingly, by this Amendment Applicant amends claim 19 to define that the claimed “variation in curvature” exists before the opening tab is lifted.

Applicant submits that the cited art does not disclose, teach, or even fairly suggest all the features of amended claims 1, 8, and 19, and that these claims are therefore patentable over the cited art. Applicant further submits that claims 2-3, 5, 7, 9-18, and 20 are patentable over the cited art at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Hanafusa. Applicant submits that these claims are patentable over the cited art at least by virtue of their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c) Attorney Docket No.: Q87652
U.S. Application No.: 10/534,027

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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